

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

11 MARCUS TYSHUN PORTER,)	Case No.: 1:22-cv-00907-JLT-HBK (HC)
)	
12 Petitioner,)	ORDER ADOPTING THE FINDINGS AND
)	RECOMMENDATIONS, GRANTING
13 v.)	RESPONDENT'S MOTION TO DISMISS,
)	DENYING PETITION FOR WRIT OF HABEAS
14 B.M. TRATE,)	CORPUS, AND DIRECTING CLERK OF
)	COURT TO CLOSE CASE
15 Respondent.)	
)	
)	(Docs. 1, 11, 21)
)	

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18 Marcus Tyshun Porter is a federal prisoner proceeding pro se with a petition for writ of
19 habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. 1.) The matter was referred to a United States
20 Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

21 On August 10, 2023, the assigned magistrate judge issued Findings and
22 Recommendations recommending that Respondent's Motion to Dismiss be granted, and the
23 Petition be dismissed for lack of jurisdiction. (Doc. 21.) Petitioner has not filed objections, and
24 the deadline to do so has expired.

25 According to 28 U.S.C. § 636 (b)(1)(C), the Court has conducted a *de novo* review of the
26 case. Having carefully reviewed the entire file, the Court concludes that the Findings and
27 Recommendations are supported by the record and proper analysis. Based upon the foregoing, the
28 Court **ORDERS:**

1. The Findings and Recommendations issued on August 10, 2023, (Doc. 21), are **ADOPTED** in full.
2. Respondent's Motion to Dismiss (Doc. 11) is **GRANTED**.
3. The petition for writ of habeas corpus (Doc. 1) is **DISMISSED**.
4. The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

Dated: **September 7, 2023**


UNITED STATES DISTRICT JUDGE